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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,134	03/15/2002	Heon Pyeong Ji	46500-000102	1447
30593	7590	11/29/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,134

Applicant(s)

JI ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU1653730 in view of Bosyj et al..

SU1653730 discloses a similar device however fails to disclose the filter is replaceable.

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SU1653730 discloses a main body (fig. 1, #1).

SU1653730 discloses an air exhaust filter provided in the filter chamber (fig. 2, #7).

Bosyj et al. discloses a cleaner with a replaceable exhaust filter in a chamber (fig. 2, #88).

It would have been obvious to one of ordinary skill in the art to make the filter of

SU1653730 replaceable, as disclosed in Bosyj et al., to ensure for optimum performance by replacing the filter when filled with debris without having to replace an element of the device.

SU1653730 discloses a filter chamber formed in an exhaust flow passage (fig. 1, #8).

SU1653730 discloses wheels mounted on either side of the body (fig. 1, #10).

With respect to claim 2, SU1653730 discloses the exhaust flow passage formed by opening a portion of the main body (fig. 1).

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP8-252196 in view of Bosyj et al..

JP8-252196 discloses a similar device however fails to disclose the filter is replaceable.

JP8-252196 discloses a main body (fig. 1, #3,2).

JP8-252196 discloses an air exhaust filter provided in the filter chamber (figs. 2 and 6, #11). It would have been obvious to one of ordinary skill in the art to make the filter of JP8-252196 replaceable, as disclosed in Bosyj et al., to ensure for optimum performance by replacing the filter when filled with debris without having to replace an element of the device.

JP8-252196 discloses a filter chamber formed in an exhaust flow passage (figs. 2 and 6).

JP8-252196 discloses wheels mounted on either side of the body (fig. 2, #13).

JP8-252196 discloses the filter located on a cover, therefore the filter is not adhered to the wheel or the main body (fig. 5, #11,9,13).

With respect to claim 2, JP8-252196 discloses the exhaust flow passage formed by opening a portion of the main body (figs. 2 and 5-6).

Response to Arguments

6. Applicant's arguments filed 9/30/2005 have been fully considered but they are not persuasive. Applicant urges that the prior art fails to disclose the exhaust filter being replaceable or the filter being located within in a filter chamber. Applicant is believed to be in error with his argument because to make an article replaceable/removable is well within the skill of one of ordinary skill in the art to allow for continued optimal performance of the device by inexpensively replacing the filter rather than the whole device or a piece thereof. Bosyj et al. discloses a cleaner with a replaceable exhaust filter (fig. 2, #88). SU1653730 discloses the filter located within a passage that defines a chamber (fig. 1, #7,11,10,1,8). JP8-252196 discloses the filter located in a chamber defined by a passage and cover (fig. 5, #11,2,9).

Allowable Subject Matter

7. Claims 3-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a device for exhausting from a vacuum cleaner having a main body, wheels rotatably mounted on either side of the body, a filter chamber formed in an exhaust flow passage and an air exhaust filter provided in the chamber HOWEVER fails to disclose or fairly suggest the wheel having a guide member connected to a guiding projection formed at the side of the body with the air exhaust filter therein and a rolling member mounted around the guiding member to allow for movement along a surface.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

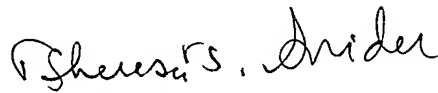
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ric Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**THERESA T. SNIDER
PRIMARY EXAMINER**

Theresa T. Snider
Primary Examiner
Art Unit 1744

11/22/2005